

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE
COMPANY, INC., et al.,

Plaintiffs,

v.

INTUITIVE SURGICAL, INC.,

Defendant.

Case No. 21-cv-03496-AMO

ORDER FOLLOWING CONFERENCE

On this day, the Court held a Zoom conference with the parties to discuss certain pretrial arrangements. During the conference, the Court denied Defendant Intuitive Surgical, Inc.'s motion for leave to file a motion for reconsideration or, in the alternative, for certification of an interlocutory appeal. ECF 339. Intuitive requested further guidance regarding the scope of the Court's Order re Motions in Limine, *see* ECF 330, the subject of its motion. The Court provides the following general guidance related to the three exemplar exhibits regarding which Intuitive sought clarity.

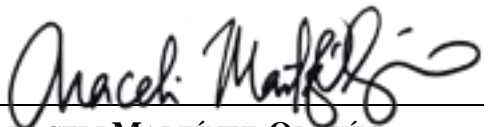
Exhibit 1 to the Gallo Declaration in support of the motion for reconsideration is a letter Intuitive sent to Marin General Hospital dated November 26, 2019. *See* ECF 338-2 at 1. Consistent with the Court's Order re Motions in Limine, that letter may be presented at trial with redactions of references to the Food and Drug Administration ("FDA") and its regulatory process.

Exhibit 2 to the same Gallo Declaration is a letter Intuitive sent to Rebotix Repair LLC dated April 16, 2019. *See* ECF 338-2 at 5. Consistent with the Court's Order re Motions in Limine, that letter may also be presented at trial with redactions, though the redactions will likely prove more extensive than those anticipated for Exhibit 1 due to pervasive references to the FDA and its regulatory scheme.

Exhibit 26 to the same Gallo Declaration is an email with a lengthy attachment sent by the FDA dated June 23, 2015. *See* ECF 338-4 at 59. Consistent with the Court's Order re Motions in Limine, this exhibit may not be presented at trial.

IT IS SO ORDERED.

Dated: December 17, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge

United States District Court
Northern District of California